IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 368 of 2007 (M/S)

1. Ghasita S/O Late Sri Kanha, R/O Rasoolpur Meethiberi, Tehsil and District Haridwar through his power of attorney holder.
2. Nazar Hasan S/O Shakhawat Hussain R/O Village Laldhang Tehsil and District Haridwar.

.....… Petitioners.

Versus

1. Collector, Haridwar, District Haridwar.
2. S.D.M. Haridwar, District Haridwar.
3. Tehsildar Haridwar, District Haridwar.
4. Naib Tehsildar Pherupur Haridwar.

…..Respondents.

Sri Ajay Veer Pundir, learned counsel for the petitioners.
Sri Gopal Narain Srivastava, learned Brief Holder for the State-respondents.

Dated May 08, 2007.

Hon'ble B.S.Verma, J.

Learned counsel for the petitioners files supplementary affidavit. The same is taken on record.

The only prayer made in the present writ petition is that a direction be issued to the respondent no.3 and 4 to expedite and decide the Case No. 755 of 2005 under Sections 234/35 of the Land Revenue Act

The petitioner filed Case No. 755 of 2005 Ghasita Vs. Smt. Ravinder under Sections 34/35 of the L.R.Act before the Naib Tahsildar Pherupur Haridwar, who started the proceedings. But the mutation proceedings could not be completed even after expiry of more than two years. It is alleged that the petitioner no. 1 is weak and infirm person, therefore, he executed power of attorney in favour of petitioner no.2 for the purposes of *Pairvi* of the pending case. By way of supplementary affidavit, the petitioners have filed copy of the sale-deed dated 16-7-2004 executed by Smt. Ravindra

in favour of petitioner no.1. Admittedly the mutation case is pending since 2005.

In the course of arguments, learned counsel for the petitioners urged that in the interest of justice, the respondent nos. 3 and 4 may be directed to decide the proceedings of Case No. 755 of 2005 expeditiously. The prayer is innocuous.

Accordingly, the respondent nos. 3 and 4 are directed to decide the mutation Case No. 755 of 2005, under Section 34/35 of the Land Revenue Act, Ghasita Vs. Smt. Ravinder pending for disposal before the respondent no.4 expeditiously, preferably within a period of six months from the date of production of certified copy of this order.

With the above directions, the writ petition is disposed of finally.

All applications stand disposed of.

(B.S.Verma, J.)

RCP